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ABSTRACT

A discussion of school law, defined as how the educational system is impacted upon by the law, is addressed as it relates two major issues to the Catholic or parochial schools. In an overview of the legal system, the types of courts, the nature of legal precedents, and the levels within the judiciary are reviewed. The first major issue centers around the question of due process as it relates to students' rights. Based on current educational law, a student may not expect to have general protection of the 14th Amendment while attending parochial school. It is recommended, therefore, that school administrators establish a system of discipline based on principles of equity and fairness, and that this system be published as a handbook for all parents and students. Private schools also have the right to hold secular goals, to emphasize moral development and discipline, to discourage criticism, and to impose conformity of dress, speech and action. The second major issue discussed regards the liability questions. In this area, the factor that determines liability is negligence. To prove that one is negligent, four factors must be present: there must be a clear responsibility to be performed, this person must be shown to have breached this duty, the person in charge must be shown to have had substantial effect in producing the injury, and the incident must result in damage. An outline of suggestions regarding field trips and playground supervision is given. (LMS)

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A DISCUSSION OF SCHOOL LAW AND RELATED TOPICS

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A DISCUSSION OF SCHOOL LAW AND RELATED TOPICS

My own involvement in the area of School Law began more than ten years ago when I served on a faculty curriculum committee setting up the Masters in Science in Administration Program at the University of Notre Dame, which included an important component of a course in school law. Now, just as then, the entire area of school law (more properly stated, how the educational system is impacted upon by the law) is a critical one for both high school and college administrators and teachers and raises a compelling need for highly trained and competent professionals who are well-versed in the vocabulary and basic theory of the law as it relates practically to them.

Today, the focus of my presentation will be in two areas:

1- a discussion of discipline and due process;
2- a discussion of liability questions and principles.

Introduction

In a recent series of articles in US News and World Report, it was reported that there is a real crisis in the American legal system. Words most frequently used by respondents to a national poll included: frustration, anger, confusion and mistrust.

Several facts should be noted:

1) the number of lawsuits have trippled in some areas of our country in the last ten years. Today, we see hockey players being sued by fans; kids suing their Little League coaches; preachers suing and being sued by their congregations (or by their tv boards); teachers being sued by non-reading students; and Catholic nuns suing their Bishops or religious superiors or educational superintendents.

2) the delays in the legal system are both staggering and growing. Today, if an individual filed a civil suit in a New York City court (Manhattan County), it might take as much as seven years to bring that case to a resolution. This siutuation reminds me of a phrase: "Justice delayed is justice denied." And, even while criminal cases are tried much more quickly (generally because of a positive requirement of law which provides for a dismissal of any case not tried within a reasonable time), there is a general feeling that the system favors the criminal much more than the victim [It may also be very difficult to decide just who is the victim in certain criminal cases where the lawyer for the defendant puts the deceased on trial for a variety of seeming "sins" - witness the recent Robert Chambers, "Preppy Murderer" trial.]; that the practice of plea bargaining is severely abused; and that persons just "fall through the cracks" of the criminal system - note also the bizarre case of Joyce Brown or "Billy Boggs" who today lives in a Manhattan welfare hotel, alternating between stages of semi-consciousness and deep social disorganization, "thanks to" to representation given to her by an ACLU attorney.

In such a milieu, a basic question arises. Where does justice fit into all of this? Justice... the core concept of any civilized society.

Where is justice in a society where respect for the law is at an all-time low; where government leaders at the highest levels preach law and order for the poor and other disadvantaged groups in society yet involve themselves in a host of sleazy, unethical and illegal deals. Where is justice in a society where our folk and media heroes are of the ilk of Ivan Boesky or a character like that of Gordon Gekko from the movie "Wall Street," whose messages may be misinterpreted and lost on a generation of "yuppies" whose idols are the hood ornaments from a Jaguar or Mercedez-Benz auto?

And where do we as committed, practicing yet practical Catholics fit into the legal scenario? Well, the philosopher Plato once said that the "Just man justices..." and we, as Catholic educators have a like charge: We as Catholic educators must educate justly; and in order to do this, we must understand to the best of our individual abilities the intricacies of our legal system, how it works, why it works (or sometimes does not work) and how we fit into this legal mosaic.

First, then, a few words about the nature of our American legal system.

I- <u>The American Legal System</u> - <u>An Overview</u>

The American legal system is unique in all the world both for the nature and function of our courts. Within our system, we have two large sub-sets or sub-systems: federal courts and state courts.

Federal courts have power (jurisdiction) over a wide variety of activities and actions, ranging from toxic waste cleanups, securities (stocks and bonds) fraud, hijacking - to more practical and mundane matters such as enforcement of civil rights and federal employment law, especially three important pieces of civil rights legislation which directly impact on a school as an employer:

1) <u>The Civil Rights Act of 1963</u>, which outlawed discrimination in five general areas- race, creed, color, national origin and sex- and especially <u>Title VII</u>, which covers the area of employment generally, even though some of the provisions may not apply to our Catholic (parochial) educational system where it may be possible to give preference to members of our own faith in hiring decisions even in "secular" jobs. These exceptions are termed "bona fide occupational qualifications" (BFOQs) and are carved out of the core of the law.

2) <u>The Equal Pay Act of 1963</u>, which guarantees "substantially equal pay for substantially equal work" in the market place for women, who as as class have been subjected to gross and unwarranted economic discrimination. [Note that in the future, the debate over "equal pay" may shift to a much more complicated arena, that of "comparable worth," where the question is asked: what is the <u>value</u> of an employee to his or her organization; and which attempts to investigate the anomoly where female employees "just happen" to be placed in low-paying, low-esteem jobs in a business organization.

3) The Age Discrimination Act of 1967, which initially covered workers between the ages of 45-65. The upper-age was later increased to age 70 and due to the untiring efforts of Rep. Claude Pepper (a Washington politician who dates back to the administration of President Franklin D. Roosevelt), today there is no effective upper limit. This legislation has had a marked and pronounced effect in the area of higher education where employment is governed by strict rules of tenure (often lifetime employment) and where younger faculty may become discouraged at the real possibility of a foreclosure of future employment prospects.

The major federal trial court is the United States District Court. Each state has at least one Federal District Court (determined by the size of a state) and the actual number of federal judges within a state is determined by the state's population. Also included within the federal system are a variety of specialized federal courts, such as the Tax Court [which no doubt will someday be called upon to decide the issue of taxability of so-called "related income"], the Bankruptcy Court, and the contemplated Immigration Court in order to deal with the results of the Simpson-Mazzoli Bill, which though imperfect in many ways, attempted to bring a modicum of order to an otherwise chaotic and often unjust system.

State courts are organized on a more local or regional basis and may deal with a host of issues ranging from traffic and parking violations [municipal courts], civil matters, including housing [landlord-tenant courts], zoning and eminent domain actions, and criminal matters such as arson, rape, robbery, etc. Today, we see the sad phenomenon of the sexual and psychological abuse of our children by those entrusted with their upbringing and care being played out in the courtrooms of America. In recent years, courts have experienced a record 400% rise in the number of cases being filed at the state trial court level.

Within these two systems of law, we can also see three levels of involvement with the legal system:

1- Levels within the Judiciary

a) Trial level - Trial level courts are called by a variety of designations: Municipal Courts, Superior Courts, Circuit Courts. Such courts involve an important period of a dispute called the pre-trial and discovery and follow the filing of the "Summons and Complaint" by the plaintiff in a law suit or the filing of a criminal charge (either a misdemeanor or a felony) by the appropriate prosecutor. This period of "pre-trial and discovery" is a busy period both for the litigants and their lawyers during which time lawyers are concerned about gathering evidence and making their cases. During this period, depositions (sworn statements) may be taken from witnesses, interrogatories (specific questions) may be propounded of various parties and a variety of motions (summary judgment, motions to dismiss) will be filed. Prior to the trial, a jury may be selected in an appropriate case in a procedure called the voir-dire, which may, in certain cases, actually last longer than the actual trial.

b) Appellate level, where panels of judges (usually three in number) decide question of law; that is, decide if some procedural right, rule or important protection was violated at the trial level. Most cases

read by law students are examples of appellate cases. Appellate practice is limited to the presentation of written briefs and conducting a brief oral argument before the court.

c) Supreme Courts - The Supreme Court is generally the highest judicial body within a jurisdiction and by tradition, the United States Supreme Court (composed of eight Associate Justices and one Chief Justice) is the ultimate judge of law within our society. As Americans, we are fond of repeating the statement: "We are a government of laws and not of men" and the deference we pay in our society to the rule of law exemplifies this principle well.

One special trial court needs mention here, the Small Claims or "Citizen Court." Generally, Small Claims cases are not tried before a jury (thus termed equity courts), are usually accompanied by relative informality of procedures, where there is an upper jurisdictional limit in terms of dollar damages (an average of $1500, but in some states, as little as $500), and where individual litigants often represent themselves (pro se courts). Small Claims courts are a recent phenomenom in American justice and seem to serve a need in a society where many people regard lawyers as a core problem today in a system characterized by contingency fees, lawyer advertising and a rash of concocted defenses.

A final note about the legal system itself; that is, the sources of law, a discussion which will lead us to where we are today, where Catholic education is, and why we are different, not only qualitatively, but also legally from the public sector.

2- Sources of Law

There are four general sources of law:

a) Statutory law (statutes, ordinances or laws) passed by a legislative body (the Congress, a State Legislature, County Council, City Council, etc.), in which case it is often the job of a court to interpret a statute or determine the intention of the writers.

b) Common law or judge made law, found in cases or in opinions of judges. The common law is the foundation of our legal system and is based on the theory of precedence or "stare decisis"; that is, absent a compelling reason, or a fundamental change in social policy or in the way that society views a problem (i.e., the civil rights movement in America), courts are bound to follow the legal rules established in prior cases. The concept of precedence gives our system both predictability and stability and distinguishes our system from that of totalitarian or religious dictatorships on both the left and right of the political spectrum. [It has been said that Judge Robert Bork may have been rejected as a nominee for the United States Supreme Court not so much because of his substantial personality quirks, but rather because of his judicial philosophy, which seemed willing to deviate from common law principles and to create an aura of unpredictability and lack of stability as he appeared to reject on philosophical grounds many of the established precedents of the past thirty years.]

c) Administrative law, consisting of rules and regulations created by administrative agencies or the bureaucracy. The importance of administrative law dates really to 'New Deal' times, and thus is of fairly recent origins. Examples of administrative bodies which frequently issue important regulations are the EPA, the FDA and the FCC. Today, there is a pervasive feeling in our nation that the bureaucracy has "gotten out of control," and that so-called "nameless, faceless bureaucrats" now run America. One thing is certainly true. Administrative law has assumed a greater role in the past twenty five years as the Congress has abrogated much of its responsibility to the various bureaucracies as it simply refuses to legislate in important areas.

d) Constitutional law, which is, of course, based primarily on the United States Constitution, whose 200th anniversary we celebrated last year. More specifically, constitutional law includes those rights enjoyed by all Americans which are found in the first ten amendments to the Constitution (the Bill of Rights) or in the all-important 14th Amendment - the "Due Process" Clause - which guarantees both substantive and procedural due process to every person within our legal system regardless of their age, sex, religion, color, race, etc., or no matter how heinous a crime has been committed or how "guilty" society at-large determines an individual to be. [In substantive due process, we look to the fairness of the law itself; in procedural due process, the rules or procedures used at the trial level are scrutinized to ascertain if they are fair.] In general, due process involves the twin concepts of notice and hearing.

The area of Constitutional law also consists of decisions of the courts which interpret the constitution. In fact, in the past forty years (and until recently under the leadership of current Chief Justice William Rehnquist who is viewed by many observers as a judicial "strict constructionist"), the United States Supreme Court has assumed a major role in shaping the American political and legal mosaic and many of the fundamental changes in America have come about for good or for bad as a direct result of Supreme Court interpretation of the United States Constitution. A few examples of important cases which exemplify this "activist" view may be in order:

1) Brown v. the Board of Education, which abolished racial segregation in education (and which incidentally overruled the earlier precedent of "separate but equal" in the case of Plessy v. Ferguson);

2) Murray v. State of Maryland, which abolished prayer in public schools;

3) Miranda v. State of Arizona, which established the fundamental rights of the accused in the criminal system;

4) Terry v. Ohio and Mapp v. Ohio, which established seminal rules concerning "search and seizure" of persons and property;

5) Gideon v. Wainwright, which established the right of an indigent to competent legal counsel

6) Roe v. Wade and Doe v. Bolton, which established in the most specious interpretation of the Consitution possibly on record the right of a woman to an abortion based upon a "fundamental right of privacy," which incidentally does not appear anywhere in positive terms in the Constitution but which was created as it were "out of thin air" by the United States Supreme Court in an area which Justice Goldberg had referred to as the "shadows" or penumbra of several sections of the Bill of Rights. (These cases exemplify the results of the "activist" philosophy of decision making process in the courts.)

Also included in an analysis of constitutional law are two cases which will lead us directly to the crux of our topic of law and its impact on the Catholic educational system.

The first case is the landmark case of Tinker v. Des Moins (Iowa) Independent School District, decided by the United States Supreme Court in 1969. In this case, the Supreme Court established that students in the public school system are "persons" within the meaning of the 14th Amendment. The case itself involved the right of students to wear arm bands protesting American involvement in the Viet Nam War, conduct which the Court characterized as "symbolic speech."

Yet, at the same time, courts made it clear that while "due process" rights clearly extended to students in general, students in Catholic or parochial schools (at both the high school and grade school levels at least, and in all probability at the collegiate level as well) do not enjoy the same constitutional protections as do their public school confreres because of the lack of the important element of "state action" or fundamental involvement with the state found in the public school system.

Simply put, Catholic schools do not operate within the same set of constitutional restrictions as do public schools and are not constitutionally required to furnish a broad spectrum of constitutional or due process rights to their students.

One important case in this area of school law is a 1970 Indiana decision, Bright v. Isenbarger, which involved a situation in which two girls had been expelled from a Catholic high school in the Diocese of Ft. Wayne-South Bend for leaving school grounds without permission.

In seeking the reinstatement of the girls, the plaintiffs' attorney attempted to bring the case under constitutional due process considerations under three theories:

1) there is a general supervision of the Catholic educational system by the State Board of Education, thus involving "state action";

2) the state had granted tax-exempt status to the school;

3) the school rendered an important "public function," that is, education.

The court rejected these contentions, and to this date, no court case concerning the area of discipline in the Catholic educational system has held that sufficient "state action" is present within our parochial school system to warrant the blanket application of the 14th Amendment. To be precise, let me make two assertions or statements:

1) In order to claim due process rights under the Constitution, a student may not claim or rely on a general constitutional protection, i.e., the 14th Amendment, but must instead have been granted these rights specifically through the school (that is, outlined in a student handbook) or by contract or through a specific state or federal statute (unlikely because of a doubtful constitutional basis).

2) Whatever is done within the parochial school system is, in effect, due process.

Now, this is not at all to say that our students enjoy no constitutional protections at all; or that on policy grounds, students should not be accorded certain minimal due process guarantees, a minimal level of fairness, equity and justice in such areas as suspension or expulsion.

For just as we have come to expect justice in our legal system, our students should expect justice and fairness in their dealings with their schools; that is, my advice to school administrators is to establish a system of discipline that is based on principles of equity and fairness and non-compulsory due process.

II- A Due Process Scenario

The components of such a system would include, at a minimum:

a) a thorough review of the rules and regulations used in our schools.

b) the writing of a student handbook with clear and enforceable rules which should be distributed to both students and faculty - and parents. Decide what is important - really important to your school. Rules should generally follow the following four guidelines:

1) rules should be thoroughly known and be in writing;
2) rules should have a legitimate educational purpose;
3) rules should be clear and direct and should outline precisely any conduct that is proscribed and the penalty incurred for its breaking;
4) rules should be consistent with school policy.

c) minor infractions of rules should be dealt with swiftly and directly. Yet, such incidents of discipline should nevertheless contain an oral notice to the student and an opportunity to be heard before any disciplinary action is taken to avoid confusion, mistake or a later apology.

d) should a one-day suspension be involved (or an in-school suspension), the principal or Dean of Students or Discipline should only impose such a suspension after a conference with the student and/or with

the student's parents. If the parents are not called in for a conference, the suspension should not be meeted out until after the parents have been informed. [Note: this conference is purely informational. Parents are informed directly of the decision to suspend so that they might make arrangements for the proper supervision of their children.]

e) for any suspension of a longer duration (2-5 days), a more formal "due process" scenario would be indicated. Before any scheduled hearing, the student should be informed in writing of the time and place of the hearing [This satisfies the notice requirement.] as well as the nature of the accusation or any potential punishment. It is suggested that parents might also be invited to attend the "hearing."

f) severe deprivation of the priviledge of attending school (greater than 5 days and including expulsion) should involve a more formal hearing and the possibility of an appeal to a regularly constututed appeals board. As a general rule, the appeals board should not contain the party who made the initial determination and might be constituted from a larger list of candidates; members of the actual appeals panel to be selected by the parties themselves in some fair and reasonable combination.

Students and parents should be notified in writing of any accusation; any potential punishment and the fact that a student may present evidence on their own behalf and question any potential witnesses who give testimony against them, unless a danger may be posed by this direct confrontation.

I would also stress that while not required, if a school is represented by an attorney at the hearing, the student should likewise be permitted to be represented by an attorney.

Again, remember that while there is no basic requirement that any particular due process model be adopted by any Catholic school, principles of justice and basic fairness may dictate otherwise.

Before moving on to the second major area of discussion, let me summarize the various important points of the Isenbarger ruling which contrast quite well student rights in the public and private sectors:

... Because it is non-governmental, private education is not restricted to the same nonpartisan and secular goals as is public education.

... Private schools may emphasize moral development and strict discipline in ways which public schools may not employ.

... Private schools may discourage criticism and irreverance toward existing institutions or policies while public schools may not.

... Private schools may impose discipline in conformity of dress, speech and action, such as found in military schools and to a lesser extent in most private schools, which public schools may not.

III- Liability Questions

The second major area of interest for our discussion is that of liability of schools and their employees for a wide variety of actions.

Let me give five separate scenarios:

1) Freddy Glotz is playing on a school playground when a baseball bat is thrown by a classmate who is a known troublemaker and bully. The bat hits Freddy and he is seriously injured.

2) Jean Sharkey, a fifth grade teacher at Holy Name School, leaves her classroom for a brief moment. During this time, one pupil leaves his desk and punches a fellow classmate. The classmate suffers a broken nose.

3) Fred Brown is a gym teacher at Queen of Angels School. He had asked for permission to start a gymnastics club on the school premises, but permission had been denied because the principal, Sister Negativus, was fearful that a child might be injured. Brown, however, ignores Sister's protestations and:

a) conducts gymnastics training on school premises;
b) takes children to his home.

In both cases, a child is injured when she falls off a training "horse."

4) Mary Albert is accused by several parents of having molested their children. The alleged incidents took place on school premises in a building which the local Catholic school has rented from the local Episcopal parish.

5) A child is injured while playing on a school playground when the school is closed; and while the area is locked and posted.

What legal issues and questions are raised by these fact patterns?

1) What standard will be used to judge whether or not any of the actions above would form the basis for liability?

2) Exactly, what is negligence? What is a good working-"layperson's" definition?

3) Assuming that an individual has been proven to have been negligent, who else (i.e., principal, pastor, parish, diocese) might also be liable?

4) How can a party protect itself from being sued for negligence, especially in such activities as school trips and playground activities?

5) Does it matter whether or not a person accused of negligence is a paid employee or merely a volunteer?

1- Negligence

Negligence has been defined as doing something that a reasonably prudent person would not do under the circumstances or not doing something that a reasonably prudent person would do under the circumstances.

Negligence is the product of the interaction of four separate factors: duty, breach, causation and damages; and the absence of any one of these factors would necessarily mean that there would be no liability for negligence.

The first of these factors is the element of duty or responsibility. In simple terms, did the teacher, principal or supervisor have a duty of due care towards his or her students? It has been stated that the "lack of proper supervision constitutes negligence." Therefore, the most obvious (and important) duty of a principal is the promulgation of reasonable rules to govern the school and a method of ensuring that the rules are followed.

The most obvious duty of the classroom teacher is to maintain order and discipline in the classroom or in other areas (cafeteria, gymnasium) where the teacher is responsible.

Once a duty has been established, the legal focus shifts to the question: did the teacher or principal take appropriate steps or action in an attempt to protect the student from an "unreasonably foreseeable risk of harm"?

One point must be carefully noted. Educators are not insurers; that is, they do not absolutely guarantee the safety of their students under all circumstances. Rather, rules concerning negligence require that a teacher do his or her best; that a teacher must exercise his or her best judgment to insure that the students under their care are not subjected to unreasonable risk or unreasonable danger. It is recognized that certain activities such as athletics and school trips may be dangerous in and of themselves and that the mere existence of an injury to a participant (no matter how severe) will not indicate liability.

Let me use three examples:

1) A teacher notices that several students are throwing wood chips in the playground. This activity goes on for about 5-8 minutes. Finally, a student is injured seriously when a splinter enters the eye of a fifth grade girl.

2) A student suddenly picks up a stick and throws it at a classmate. The teacher (or playground monitor, a volunteer parent) watches in horror as the stick pierces the cheekbone of a classmate.

3) A group of students congregate every morning outside of school. One morning, a pupil is injured when he is hit in the eye with a paper clip shot from a make shift sling-shot brought to school by one of his classmates.

In these cases, courts of three different jurisdictions decided the following in similar cases:

Case 1 - A Minnesota court held that foreseeability of risk was absolutely present because of the previous wood chip throwing that had preceded the injury. Thus, negligence was found on the part of the responsible party.

Case 2 - A Wyoming court found that there was no negligence because no such repeated incidents had preceded the injury.

Case 3 - A New Jersey court found for the injured student and against the principal because he had "failed to announce rules with respect to the congregation of students and their conduct before entering the classroom..."

The third element of proving negligence is that of proving proximate or legal cause. The existence of proximate cause may be viewed in the following question:

Did the teacher's or principal's action or inaction have a material, immediate and substantial effect in producing the injury?

In Case 1, the non-intervention of the teacher was perceived to be the proximate or legal cause of the injury to the student; in Case 3, the proximate cause of the injury was the principal's failure to develop rules to cover pre-class congregation by students.

One thing must be understood clearly: the greater the potential harm to the student or the greater the vulnerability of the student in terms of both their mental and chronological age (especially in cases where the students involved are physically or mentally handicapped), the greater the need for close supervision and care.

Thus, in two special circumstances, playground supervision and field trips, where the risk of harm is higher than in a normal classroom setting, particular care must be taken. More than just a "waiver" or release form must be used. (Unfortunately, the waiver was the standard defense used in the past when administrators were confronted by a myriad of legal actions.)

While a waiver may not in fact be a comprehensive defense to a suit for negligence, waiver (and consent) forms do communicate essential information to parents regarding expectations of the school, its teachers and its students; and later, may be used as clear evidence that planning and foresight went into the preparation for the field trip.

May I also suggest the following five guidelines for class trips:

1) check the validity of signatures on trip permission forms;
2) keep students at school who are likely to cause problems;
3) if there is a problem in this regard, permit difficult students to go only on the condition that their parents attend and personally chaperone their difficult child;
4) increase the number of supervisors where the students are younger or the risks are greater; (water theme parks, bus trips, athletic events, etc.)
5) provide written rules of conduct for students and make it known that any activity different from that outlined for the trip would

occur only after explicit approval of the teacher (and possible consultation with their parents).

2- Respondeat Superior

Once it has been determined that an individual teacher or principal has performed a negligent act, who else may be held legally accountable for any injury which has taken place? In practical terms, an individual teacher or principal may not have the financial ability to pay the cost of any judgment rendered against him. Other parties may be brought into a suit under a theory called "respondeat superior" or imputed (vicarious) liability; that is, where a parish, pastor, diocese, Bishop or Archbishop may be added as a possible defendant to answer for the negligence of an individual teacher, principal or other employee.

This legal theory is applicable where the teacher or principal performs some act negligently (or fails to take an appropriate action) and where his employer (also termed the master or principal in some jurisdictions) has the right to control the "means and methods" of the actor's operations. This is sometimes termed the "scope of employment" test.

Thus, the negligent act of an individual classroom teacher, principal, coach, club or activity moderator, etc. (or even that of an unpaid volunteer), may involve persons or entities far-removed from the original act which gave rise to the filing of the initial summons and complaint.

It must also be recognized that even though it it widely (and mistakingly) believed that a parent or other volunteer who was not an "official" employee of a school (coach, library aide, cafeteria supervisor, home room mother) could not result in a finding of liability against a school and perhaps the diocese. Remember, it is what a person does and does not do and not whether that person is paid or unpaid that may determine ultimate questions of liability and responsibility.

Concluding Remarks

There are many topics of interest for those of us who are in the "business" of school law: student records, custody and rights of divorced or separated parents, cooperation with police authorities, locker searches. In this paper, I have attempted to focus attention on two important areas:

1) discipline and "due process";
2) liability questions.

In both of these areas, I have attempted to bring a unique perspective to the legal arena: that of the dedicated, competent and conscientious Catholic educator who is searching for "truth in the academy," midful of his or her legal rights, duties and responsibilities.